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December 6, 2018

By ECF

The Honorable William F. Kuntz, II
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Ali Saleh*
Criminal Docket Nos. 18-468, 15-517 (S-1) (WFK)

Dear Judge Kuntz:

I write in support of my request that Michael Bachrach, an attorney that is appointed to Mr. Saleh's other pending case (15-517), be added to the defense team in this case (18-468).

Michael K. Bachrach, Esq. has been a criminal defense attorney for over 17 years, practicing both trials and appeals. He is admitted in the Eastern District of New York, the Southern District of New York, the District of Vermont, the District of New Jersey, and the District of Colorado, as well as the Courts of Appeal for the Second, Third, and Eighth Circuits. He is a member of the CJA panels for the Southern District of New York and the Second Circuit Court of Appeals. As part of his membership on the Southern District's CJA Panel, he is also a member of the Southern and *Eastern* District's CJA Capital Case Panel and has the requisite national security clearance (TS/SCI).

Mr. Bachrach's notable cases involving classified information include: *United States v. Ahmed Ghailani*, 98 Cr. 1023 (LAK) (SDNY) (trial and sentencing); *United States v. Mustafa Kamel Mustafa*, 04 Cr. 356 (KBF) (SDNY), 15-211 (2d Cir.) (sentencing and appeal); *United States v. Agron Hasbajrami*, 11 Cr. 623 (JG) (EDNY), 15-2684 (2d Cir.) (plea, sentencing, 2255, re-plea, re-sentencing, and appeal); and *United States v. Bryant Neal Vinas*, 08 Cr. 823 (NGG) (EDNY) (sentencing). Mr. Bachrach also recently authored an amicus brief on behalf of the National Association of Criminal Defense Lawyers and other organizational and individual amici in *United States v. Abd al-Rahim Hussein al-Nashiri*, 18-002 (U.S. Ct. of Mil. Com. Rev.) (the trial of the bombing of the U.S.S. Cole presently in pretrial proceedings pending in the United States Military Commissions in Guantanamo Bay, Cuba).

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In short, Mr. Bachrach is an extremely talented attorney and also has substantial experience in handling cases involving national security. And while the present case does not, on its face, involve such concerns, there is no way to say at this point whether or not classified information may be relevant at a trial or at sentencing, should Mr. Saleh be convicted. Moreover, as part of the defense team in the related case, Mr. Bachrach has met the defendant and has begun to establish an effective attorney/client relationship with him. In other words, Mr. Bachrach's full participation in both cases is essential.

Accordingly, for all of the reasons set forth above, I respectfully request that Mr. Bachrach be added to the defense team in criminal docket # 18-468.

Thank you very much for your consideration in this matter.

Respectfully submitted,

/S/

Steve Zissou